

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6057**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SAMUEL ROBERT QUEEN, JR.,

Defendant - Appellant.

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**No. 97-6139**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SAMUEL ROBERT QUEEN, JR.,

Defendant - Appellant.

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Appeals from the United States District Court for the District of  
Maryland, at Baltimore. Walter E. Black, Jr., Senior District  
Judge. (CR-93-369-B)

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Submitted: July 24, 1997

Decided: August 6, 1997

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Before HAMILTON, LUTTIG, and MOTZ, Circuit Judges.

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Affirmed as modified by unpublished per curiam opinion.

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Samuel Robert Queen, Jr., Appellant Pro Se. Steven Zimmerman, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland; Jan Paul Miller, Assistant United States Attorney, Barbara Suzanne Skalla, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Samuel Robert Queen appeals from the district court's orders denying as moot his motions for return of seized property, for an itemization of property seized, to incorporate newly discovered evidence, and for reimbursement for forfeited property. Because the government properly destroyed seized contraband, 21 U.S.C.A. § 881(a) (West 1981 & Supp. 1997), prepared an itemization of property seized, and returned to Queen or his designee all of the property listed as seized from Queen, the district court properly denied the motions as moot. Queen also asserts that a greater sum of money was seized from him than that reported and returned to him, and he seeks reimbursement for damage to his property while in the possession of the government. While we affirm the denial of Queen's motions as moot, we modify the district court orders to reflect that the disposition is without prejudice to Queen's ability to pursue a remedy under the Federal Tort Claims Act. 28 U.S.C. §§ 2671-80 (1994). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED